

ORIGINAL

OFFICIAL FILE

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ILLINOIS
COMMERCE COMMISSION
FEB 2 10 32 AM '01

Illinois Bell Telephone Company

Application for review of alternative
regulation plan.

Illinois Bell Telephone Company

Petition to rebalance Illinois Bell Telephone
Company's Carrier Access and Network
Access Line Rates.

Citizens Utility Board and
The People of the State of Illinois
-vs-

Illinois Bell Telephone Company

Verified Complaint for a Reduction in Illinois
Bell Telephone Company's Rates and Other
Relief.

CHIEF OF STAFF'S OFFICE

98-0335

(cons.)

00-0764

JOINT MOTION FOR MODIFICATION
OF HEARING EXAMINERS' RULING

The Staff of the Illinois Commerce Commission, (the Staff); Illinois Bell Telephone Company, (Ameritech Illinois); the People of the State of Illinois *ex rel.* James E. Ryan, Attorney General of Illinois, (the Attorney General); the City of Chicago, (the City); the Cook County State's Attorney's Office (Cook County) and the Citizens Utility Board, move jointly, pursuant to Section 200.190 of the Rules of Practice before the Illinois Commerce Commission, for the modification of the Hearing Examiners' Ruling of January 3, 2001, and in support thereof, state as follows:

1. On or about January 3, 2001, the Hearing Examiners entered a ruling that, *inter alia*, directed "Parties and Staff ... to file a **Pre-Trial Memorandum** which will include:

- a) a Statement of Issues - that sets out the position of the filing party on each issue being raised or addressed together with a brief articulation of the legal/factual basis for the position.
- b) a Statement (or Stipulation) of Facts not in Dispute - with respect to each issue being raised or addressed.
- c) a List of Witnesses - appearing on behalf of the filing party and a statement identifying which issues the particular witness's testimony addresses.

Hearing Examiners' Ruling, ¶ 1 (emphasis in original)

2. The Hearing Examiners directed that the parties and the Staff file the Pre-Trial Memorandum in question on or before February 6, 2001. Id., ¶ 2

3. In addition, the Hearing Examiners directed the parties and the Staff to provide "[a] final witness schedule ... to the Hearing Examiners no later than February 7, 2001 and will include approximations of the time each interested party needs to complete cross-examination of a particular witness." Id., ¶ 3

4. The Rules of Practice before the Illinois Commerce Commission by their terms authorize Hearing Examiners to require the parties to a contested matter to file pre-hearing briefs on "specified issues." 83 Ill. Admin. Code 200.310(a). In this case, however, the Hearing Examiners have requested briefing on *all* of the issues.

5. As is generally the case in contested cases before the Commission, the schedule in this matter calls for the parties and the Staff to file Initial Briefs, Reply Briefs, Briefs on Exceptions, and Replies to Briefs on Exceptions, all of which will make clear, to the extent it is not already clear, their respective positions on the matters of fact and law at issue in this proceeding.

6. The Joint Movants further note several individual Joint Movants have sponsored testimony by individual witnesses that serves to summarize, in a detailed manner, their respective positions. See, e.g., Ameritech Exhibits No. 1.1, 1.2, 1.3

(Testimony of David H. Gebhardt); Staff Exhibits No. 1.0, 15.0 (Testimony of Jeffrey H. Hoagg); GCI Exhibit No. 1.0 at 4-9 (Testimony of Charlotte TerKeurst). In addition, the parties and the Staff will submit lists of witnesses in response to Paragraph 1(c) of the Hearing Examiners' Ruling.

7. The schedule in this matter has been, at the Commission's specific direction, set to conclude with a Commission Order on or prior to July 1, 2001.

8. Accordingly, the discovery process, pre-filing of testimony, and preparation for hearing, set for February 13-16 and 20-23, has necessarily required the Staff and parties to conduct discovery, pre-file testimony, and prepare for hearing in a relatively shorter period than would typically be the case in a proceeding of this nature.

9. The Hearing Examiners would require a process of extensive pre-hearing negotiation to determine which issues, if any, can be resolved by stipulation; pre-trial drafting of briefs and memoranda with detailed references to prefiled testimony. To the extent that this fairly characterizes the Hearing Examiners' Ruling, it is a task beyond the resources of all of the Joint Movants at this time, and would substantially detract from the parties' and the Staff's ability and available time to prepare for an eight-day hearing.

10. Further, the Joint Movants are of the belief that, as between and among them, there are few matters of substance in this proceeding that are the subject of complete agreement.

11. The Joint Movants are, however, fully cognizant of the Hearing Examiners' concerns regarding the complexity of the matter, and their desire to have an overview of the issues to refer to when hearing and considering this matter.

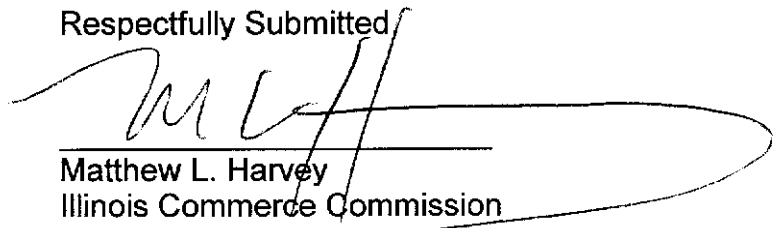
12. Therefore, the Joint Movants are in the process of preparing a document that outlines the matters the parties believe to be at issue. Upon approval by the Hearing Examiners, Joint Movants will annotate the outline with a statement of which witnesses address each issue, and file the completed outline by February 9, 2001.

13. The Joint Movants believe that this will sufficiently address the Hearing Examiners' concerns regarding avoidance of confusion at hearing.

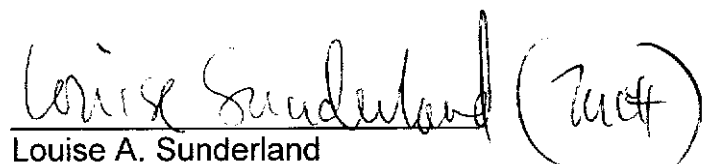
14. Accordingly, the Joint Movants respectfully request that the Hearing Examiners modify their January 3, 2001 Hearing Examiners' Ruling in a manner consistent with this Joint Motion.

WHEREFORE, the Joint Movants respectfully requests that its recommendations be adopted in their entirety consistent with the arguments set forth herein.

Respectfully Submitted



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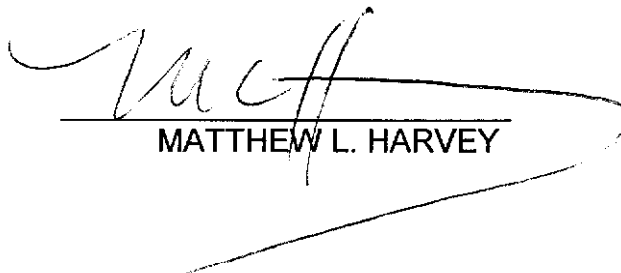
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January 31, 2001

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above Notice, together with copies of the document referred to therein, have been served upon the parties to whom the Notice is directed by mail, proper postage prepaid, from Chicago, Illinois on the 31st day of January, 2001.



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**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Bell Telephone Company)	
)	98-0252
Application for Review of Alternative)	
Regulation Plan)	
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Company's Carrier Access and Network)	
Access Line Rates.)	(cons.)
 Citizens Utility Board and)	
The People of the State of Illinois)	
-vs-)	
Illinois Bell Telephone Company)	
)	00-0764
Verified Complaint for a Reduction in Illinois)	
Bell Telephone Company's Rates and Other)	
Relief.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that we have on this 31st day of January, 2001, filed with the Chief Clerk of the Illinois Commerce Commission, 527 East Capitol Avenue, Springfield, Illinois, the Joint Motion for Modification of Hearing Examiners' Ruling, a copy of which is hereby served upon you.



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